

Mar-11-03 06:24pm From: Energy &amp; Commerce Committee

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U.S. House of Representatives  
Committee on Energy and Commerce  
Washington, DC 20515-6115

W.J. "BILLY" TAUZIN, LOUISIANA,  
CHAIRMAN

March 4, 2003

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The Honorable Michael K. Powell  
Chairman  
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Washington, DC 20554

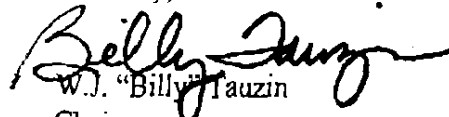
Dear Chairman Powell:

The Federal Communications Commission ("Commission") has before it a *Notice of Proposed Rulemaking* concerning the regulatory implications of its determination last spring that cable modem service should be classified as interstate information service, outside the reach of Title VI of the Communications Act. Included in *this* decision was the determination that revenue from cable modem service **should** not be used computing the franchise fees paid to **local** governments. **Parishes** in Louisiana have contacted me about **their primary** concern with this decision, namely its impact on local government revenues derived from franchise fees.

After the Commission's correct **ruling** on these two **issues**, certain cable companies have informed **parishes** that they are no longer going to **pay** that portion of revenue derived from delivery of cable modem service. Should the Commission determine it **appropriate** to exercise its jurisdiction under section 622 to resolve the issue of previously collected franchise fees based on cable modem service revenues, I urge the Commission to further clarify that its decision is prospective **and affects** only contracts signed after the issuance of its ruling. Otherwise, local governments **will** be exposed to future claims and significant risk.

I appreciate your consideration and look forward to **working with** you.

Sincerely,



W.J. "Billy" Tauzin  
Chairman

Committee on Energy and Commerce

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